

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENSLEY CONSTRUCTION, INC.
on its own behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES, INC.,
MARSH, INC., ACE USA, ACE INA, AMERICAN
INTERNATIONAL GROUP, AMERICAN RE-
INSURANCE COMPANY, ARTHUR J.
GALLAGHER & CO., HILB ROGAL & HOBBS,
COMPANY, WILLIS GROUP HOLDINGS, LTD.,
WILLIS NORTH AMERICA INC., WILLIS GROUP
LTD., UNIVERSAL LIFE RESOURCES,
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR
INSURANCE SERVICES, INC.), THE CHUBB
CORPORATION, USI HOLDINGS, INC., METLIFE,
INC., PRUDENTIAL FINANCIAL, INC.,
UNUMPROVIDENT CORPORATION, THE ST.
PAUL TRAVELERS COMPANIES, INC., ZURICH
AMERICAN INSURANCE COMPANY, LIBERTY
MUTUAL GROUP INC., LIBERTY MUTUAL
INSURANCE COMPANY, LIBERTY MUTUAL
FIRE INSURANCE COMPANY, EMPLOYERS
INSURANCE COMPANY OF WAUSAU, and ST.
JAMES INSURANCE COMPANY LTD.,

Defendants.

Civil Action No. 05 11249 GAO

DECLARATION OF ROBERT L. TERRY, JR.

I, the undersigned, Robert L. Terry, Jr. hereby depose and say:

1 I am employed by Zurich American Insurance Company ("ZAIC") in the capacity of
Director, Distributor Administration.

2. In the course of my employment, I caused and reviewed the results of a search of ZAIC's
insurance policy files and records in order to ascertain the extent to which ZAIC may have or

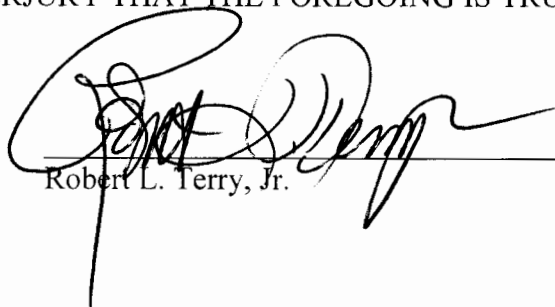
have had a business relationship with the Plaintiff in this action, Bensley Construction, Inc.

3. ZAIC's business records disclose that ZAIC issued a total of four insurance policies to Bensley Construction, Inc. at an address of 533A Putnam Avenue, Cambridge, Massachusetts covering the period of June of 1998 through June of 2002.

4. According to ZAIC's records, the broker involved in producing those policies was Foy Insurance Group, S.A., P.O. Box 1030, Exeter, New Hampshire.

5. The records further indicate that none of the policies issued by ZAIC to Bensley was underwritten in conjunction with any of the insurance brokers identified as defendants in this matter.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT



Robert L. Terry, Jr.

Date: August 15, 2005